

REMARKS

Claims 1-9, 11-22 and 24-29 are pending. Claims 1-9, 11-20 and 25-29 are allowed. Claim 24 is allowable if rewritten into independent form to include the features of any base claim and intervening claims.

The Examiner has rejected claims 21 and 22 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,433,721 to Hooven (hereafter "Hooven"). The rejection is respectfully traversed.

To maintain a rejection under 35 U.S.C. §102(b), a reference must teach each and every element of a claim. Hooven fails to do so.

Claim 21 recites a stapler head. The stapler head comprises, inter alia, a first jaw, a second, an actuation mechanism associated with movement of the first and second jaws, and a staple holder including a staple supply. The first jaw comprises an anvil. The second jaw is operatively associated with the first jaw. The second jaw opposes the first jaw and comprises a staple driving mechanism. The staple holder is removably received by the second jaw. The staple supply is actuated by the staple driving mechanism when the staple holder is received by the second jaw. Significantly, a distal end of the actuation mechanism is releasably coupled to a proximal end of the stapler head whereat at least the second jaw thereof is carried, therefore different clamping heads can be easily and quickly interchanged on the actuation mechanism.

Hooven discloses a drive mechanism for endoscopic instruments. A potential problem imposed to surgeons during an endoscopic procedure is that the forces needed to drive staples through tissue and form the staples in the tissue requires considerable energy be exerted in order to apply the necessary forces. The drive mechanism is used to reduce the amount of force which a surgeon must apply during surgical procedures. The drive mechanism comprises a handle portion for manipulation outside the body and a business head for carrying out the desired procedure within the body. The desired procedure includes stapling tissue, ligating vessels, cutting tissue and the like. The

handle portion and the business head are connected by a housing. A rotatable drive shaft extends within the housing from the handle to the business head. The rotational force generated by the rotatable drive shaft is translated by a translating means into linear forces to apply sufficient force at the business head of the instrument. The translating means comprises a threaded rod 71 having a large diameter portion and a small diameter portion, a pivot pin 76, a closure nut 77, a closure pin 78 and a slot 79. The translating means is built in the housing and integrally formed with the drive shaft. Thus, the translating means is not releasably coupled with the business head and accordingly the business head is not interchangeable. Therefore, Hooven fails to disclose, at least, the feature of "a distal end of the actuation mechanism releasably coupled to a proximal end of the stapler head whereat at least the second jaw thereof is carried", as recited in claim 21.

Since Hooven fails to teach each and every element of claim 21, from which claim 22 depends, the rejection of claim 21 and 22 under 35 U.S.C. §102(b) based on Hooven is overcome and withdrawal thereof is accordingly requested.

In view of the foregoing remarks, it is respectfully submitted that the remaining claims are in condition for allowance, which action is earnestly solicited.

Respectfully Submitted,



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